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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,092	08/17/2000	Klaus Klemm	732/00018	4782
26474	7590	10/15/2004		
KEIL & WEINKAUF 1350 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			EXAMINER BAHTA, ABRAHAM	
			ART UNIT 1775	PAPER NUMBER

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/640,092

Applicant(s)

KLEMM ET AL.

Examiner

Abraham Bahta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-13 and 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121\*.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### ***Election/Restriction***

Claims 1-4, 6-13 and 15-21 are pending in this applications. Non-elected claim 12 has been withdrawn from consideration. Rejoinder of the claim would be considered upon indication of allowable subject matter pursuant to MPEP 821.04.

Claims 13 and 15-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Original claims 13 and 15-17 were drawn to a method of utilizing a cover plate; however, in the amendment filed 06/22/04 claims 13 and 15-17 and new claim 18 are drawn to a method of connecting a cover plate.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13 and 15-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Drawings***

The applicant submitted an English language translation of two figures (not labeled) previously provided in paper number 7 for consideration by the Examiner; however, the drawings have not been considered because it has not been explained in the specification. The sheet of drawing submitted October 25, 2000 contains two figures (1 and 2) and only these two figures are illustrated in the specification on pages 11-12.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al (USP 5,830,552).

Meier teaches a cover plate for household devices such as a refrigerator or dish washing machine (col. 4, lines 54+) comprising a core plate and a decorative part. See col. 5, lines 4-8. The reference also teaches the cover plate reinforcer sections have two angled sections injection molded as a closed frame. Further, the reference teaches the frame may comprise individual ribs in which the ribs absorb compressive forces. See col. 4, lines 33-39. Meier teaches that the plate constructed is intended mainly as a cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary sections or profiles for fixing the plate to the kitchen appliance casing. See col. 4, lines 54-59. In addition the

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reference teaches the core plate is provided with an insulating plate made from another material with thermal and/or acoustic insulating properties and the core plate may be made from a wooden material and can be provided on its top surface with a cut and scratch-proof material and optionally also decorative top or cover coating, whereas, the insulating plate can be made from a foamed plastic. See col. 5, lines 1-8. The cover plate may also be made from glass, plastic or metal. See col. 5, lines 42-53. The reference at col. 6, lines 14-21 teaches the core plate is inserted in the outer frame (6) and then the inner frame (7) is engaged and the legs (10) and (11) of both frames (6,7) engage on one another and can be welded together

The reference does not specifically mention molded-on functional elements; however, since the reference at col. 4, lines 54-59 suggests that the plate constructed is intended mainly as a cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary section or profiles for fixing the plate to the kitchen appliance casing, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the necessary functional elements so that the product may fit over a household device.

Concerning claim 6, the reference does not require the reinforcer or the core plate to have a structure of a box or a crate; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to design the reinforcer or the core plate as a box or crate depending on the shape of the household device for which the cover plate is intended.

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With respect to claims 8-10, the reference does not require integrated, molded-on functional elements comprising a dispenser box, condensation box, or integrated water duct; however, since the reference teaches the cover plate is intended as a cover plate for kitchen appliances such as a refrigerator or dishwasher, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the cover plate by providing the necessary functional elements depending on the household appliance for which the cover plate is intended.

Regarding claim 11, the reference teaches the core plate may be made from a plastic material. See col. 5, lines 47-48.

Claims 19-20: The reference teaches the core plate may be plastic. See col. 5, lines 47-48.

Claim 21: Regarding claim 21, since Meier's cover plate is designed or intended to cover kitchen appliances such as refrigerator (see col. 7, lines 10-24 and lines 48-53), it is the Examiner's position that the core plate and decorative part of the reference form a closed box or crate-type component.

#### **Response to applicant's remarks/arguments**

The applicant submitted an English language translation of two un-labeled figures previously provided on 1/28/03 for consideration by the Examiner; however, the drawings have not been considered because it has been explained in the specification.

The applicant contends that Meier teaches a connection between a core plate made of wood and a cover plate by means of mould clamps and argues the present

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claimed invention differs from Meier in the kind of connection and chemical composition of the materials to be connected.

The Examiner contends Meier at col. 6, lines 14-21 teaches the core plate is inserted in the outer frame (6) and then the inner frame (7) is engaged and the legs (10) and (11) of both frames (6,7) engage on one another and can be welded together.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Abraham Bahta whose telephone number is (571) 272-1532. The Examiner can normally be reached Monday-Friday from 11:30 AM -8:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Bahta

09/20/04

  
DEBORAH JONES

SUPERVISORY PATENT EXAMINER